

for the relief of R. B. Reagan, sheriff of Cherokee county." Read second time.

Senator Finlay moved to amend as follows: "*provided*, that the sum of two hundred and seventy-nine dollars be appropriated to Bayland Orphan Asylum, for the benefit of its orphans." Laid on the table.

Senator Finlay moved to refer the bill to Judiciary Committee No. 2. Lost.

Senator Pickett moved to refer the bill to committees Nos. 1 and 2 on Judiciary. Lost by the following vote:

Yeas—Senators Avinger, Ball, Evans, Finlay, Flanagan, Franks, Rawson, Saylor, Word and Mr. President—10.

Nays—Senators Cole, Dillard, Dohoney, Ford, Fountain, Gaines, Randle, Ruby, Sayers and Swift—10.

On motion of Senator Saylor, the Senate adjourned to 10 o'clock A. M. to-morrow, by the following vote:

Yeas—Senators Ball, Dillard, Evans, Ford, Gaines, King, Rawson, Ruby, Saylor, Sayers, Shelley, Swift and Word—13.

Nays—Senators Avinger, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Randle and Mr. President—9.

---

SENATE CHAMBER,

AUSTIN, TEXAS, March 25, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by Rev. B. A. Rogers.

On motion of Senator Fountain the special committee appointed to investigate accounts approved by the Committee on Contingent Expenses, were allowed to continue in session in the ante-chamber during the session of the Senate.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills have the honor to report that they have carefully examined and compared Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks," and find the same correctly enrolled.

H. R. LATIMER, Chairman.



Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Claims and Accounts, to whom was referred the investigation of the claims of Captain John G. Todd, late of the Texas navy, asking pay of post captain in the navy of the Republic of Texas from July 1, 1845, to first of February, 1846, have had the same under careful consideration, and beg leave to report that they cannot ascertain from the evidence that said Captain Todd performed any service for the Republic during the above mentioned period of time. And they would also state that they have evidence that he has not not been paid anything for his services for said time. They would therefore ask the Senate to consider the same without any definite recommendation by the committee.

W. H. SWIFT, Chairman.

Senator Tendick reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your special committee to whom was referred the message of the Governor vetoing "An act conferring the right of suffrage on such foreign born residents as may have heretofore declared, or may hereafter declare, their intention to become citizens before the clerks of the district courts of the several counties, in vacation," having maturely considered said message, beg leave to make the following report:

Your committee would refer to the following act of Congress on the subject of naturalization, to-wit:

*Act of Congress, April 14, 1802.* "SECTION 1. That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

"First, that he shall have declared, on oath or affirmation before the Supreme, Superior, district or circuit court of some one of the States, or of the territorial districts of the United States, or a circuit or a district of the United States, three years at least before his admission, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State or sovereignty whatever, and particularly by name the prince, potentate, State or sovereignty whereof such alien may at any time be a citizen or a subject." (Brightley's Digest, Art. Alien, p. 33.)



*Act of Congress, May 26, 1826.* "SECTION 3. The declaration required by the first condition specified in the first section of the act to which this is in addition shall, if the same has been *bona fide* made before the clerks of either of the courts in said condition named, be as valid as if it had been made before the said courts respectively."

They also refer to the following State laws:

*Constitution, Article 3, Section 1.* "Every male person who shall have attained the age of twenty-one years, and who shall be, *or who shall have declared his intention to become*, a citizen of the United States, or who is, at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, and is duly registered (Indians not taxed excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county, situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; *provided*, that the qualified electors shall be permitted to vote anywhere in the State for State officers; *and provided further*, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution."

*Chapter XVI.—An act to provide for the registration of voters.*—"SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That from and after the passage of this act, it shall be lawful for any citizen, resident of any county, who possesses the necessary constitutional qualifications to entitle him to register and vote, to appear before the proper registration officer during the days of registration, and make oath, and subscribe the same, that he is a citizen, *or that he has declared his intention to become a citizen, of the United States*; that he has resided one year in the State of Texas, and sixty days in the county wherein he offers to register, or that he was a resident of the State at the time of the adoption of the Constitution; that he is twenty-one years old, and not otherwise disqualified from registering or voting by any constitutional provision, and then to register as a voter; and it shall be the duty of the registering officer to regis-



ter such qualified elector, and furnish him a certificate of such oath or registration." (General Laws, approved July 10th, 1870.)

Associate Justice of the Supreme Court, Hon. Levi Woodbury, *In Re Thos. H. Butterworth*, tried at Newport, Rhode Island, at the June term, 1846, of the United States Circuit Court, decided in reference to the aforesaid acts:

"In this case the applicant had taken the preliminary oath as to his wish to become a citizen. But it appeared to have been taken before 'the clerk' of the court rather than before 'the court,' and the district judge, doubting whether this was a compliance with the act of Congress, I have used some care to examine the question. When applicants discover a disposition to comply with the wishes of Congress, and do all which the spirit of the acts on this subject seems to demand, the inclinations of the court ought, in my view, to lean in favor of the petitioner. In this case, by the act of fourteenth April, 1802, (Ch. 28, 2 Statutes at Large, 153), the alien must have declared on oath, before some court, his intention to become a citizen, etc., two years before he can be admitted. When that time has expired he furnishes proof of his good character to the court, and is, after proper examination and an oath of allegiance, permitted to become a citizen, if the court is satisfied he has the proper qualifications. It will be seen that no judicial duty is to be performed by the court till the time of the taking of the second oath, and that the first one is filed merely to give public and recorded notice of the intention to become a citizen. Taking it, then, before the clerk, and filing it with him, would seem to comply with all the spirit of the act, as the court are then not required to do anything as a court, but to have the oath administered and filed, and those are both acts done through or by the clerk. But beside this reasoning in favor of that construction, Congress by act of May 26, 1824, (Ch. 186, 4 Statutes at Large, 69), provided further, that the first declaration under oath, 'if the same has been made before the clerks of either of the courts, etc., shall be as valid as if made before the said courts respectively.'

"The only doubt now is whether that provision was intended to cover future cases as well as past ones, of such oaths taken before clerks. Though the language covers



the past, and was meant to when the act passed, I think, for the reasons before named in favor of that oath being administered before the clerk rather than the court, or the clerk acting for the court for that mere ministerial purpose, Congress meant to provide, if in any future time the preliminary declaration should be presented and sworn to before a clerk, it should be valid, etc., as if sworn to before a court.

"There was as much reason for making it apply to future cases of that kind as to past ones; and it would save inconvenient and renewed legislation on the subject to have it prospective as well as retrospective.

"In addition to this, a cotemporaneous construction sprung up under it in many cities, to make and file those declarations with the clerk alone; and now to alter that practice after twenty years, suddenly, and on doubtful reasoning, to the great delay and loss of municipal and political rights, and much expense by many applicants, would, in my view, be hardly justifiable.

"In Gordon's Digest, both the old and new editions, the act of 1824 is treated as changing that of 1802 in this respect, for the future. (Page 435, § 1488; see also Conkling's Practice, 497.)

"The rest of the sections in the act of 1824 apply to the future as well as the past, and all laws are to be construed as prospective in their operation, even more than retrospective, on the ground that a law is most legitimately meant to be a guide or rule for future conduct. I am corroborated in these views by what I understand to be the practice in several other circuits of this court where I have made enquiries.

"Let the applicant be admitted to the final examination."

Your committee suggest this is the only decision which they have been able to find in the reports of the district, circuit, or Supreme Courts of the United States, and as it is made by an associate justice of the United States Supreme Court, without an adverse decision since 1846, it may fairly be deemed *res judicata* as far as the United States courts are concerned.

In 18th Barbour's New York Reports, the case of John Clarke is claimed by the Attorney General to have established a different rule. Besides the fact that this decision is a State decision, and can not speak *ex cathedra* as to



the spirit and meaning of a United States law, it will be observed that the decision in no manner alludes to the third section of the act of May 26, 1824, and it seems that this section entirely escaped the attention of the court. From this decision it appears that it had been the custom of clerks of courts not only to receive and file "declarations of intentions," but also to "grant certificates of citizenship," thereby assuming judicial functions in determining whether the conditions of citizenship, as to time of residence, declaration of intention, etc., had been complied with. This power, of course, is not given to clerks, nor is it claimed in the Senate bill. This case in no manner decides the question in issue, and as the decision does not refer, in the remotest manner, to the Butterworth case, nor to the third section of May 26, 1824, and as the court that made the decision was composed of district judges selected indiscriminately from thirty-four judges, it cannot have any extraordinary force as authority.

The act of July 14, 1870, entitled "An act to amend the naturalization laws and to punish crimes against the same, and for other purposes," establishes no new rule in relation to the mode or manner of filing declaration of intention to become a citizen of the United States whatever; nor does it in any manner amend, alter, modify or repeal the act of May 26, 1824, only to extend the right of citizenship to natives of Africa and citizens of African descent. It only provides for the punishment of any person who may perpetrate a fraud in the issuance or use of any declaration of intention or certificate of citizenship, and relates alone to the punishment of the violation of the naturalization laws, and particularly to offenses alluded to in the message of the Governor, to-wit, "traveling through the country distributing certificates." This law provides for the punishment of all such frauds as are mentioned in the Governor's message before the United States courts, and is stringent in the last degree.

It is the practice in the United States courts, as far as your committee has been able to learn, to recognize the filing of applications before clerks.

Your committee cannot see anything judicial in the act of "filing," but one purely "ministerial," which is a matter of right, and cannot be resisted by the court itself. It is uniformly made a matter of record by the clerk, and



requires no investigation, proof or adjudication whatever to give it full force and effect.

Your committee, with due deference to the opinion of the Governor, are of the opinion that the bill is in accord with the laws of Congress and the decisions of the United States courts, and they therefore recommend that the bill be passed over the Governor's veto.

R. P. TENDICK, Chairman.

GEO. P. FINLAY.

Senator Tendick moved to make the report and veto message the special order for 11 o'clock to-morrow. Carried.

The following House bills were taken from the President's desk, read and referred as indicated:

No. 442, "An act to incorporate the town of Mexia, in Limestone county." Referred to the Committee on State Affairs.

No. 99, "An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870." Referred to Judiciary Committee No. 1.

No. 379, "An act to authorize Jas. P. Dumas, and his associates, to construct and keep a toll bridge across Choctaw Bayou, in Grayson county." Referred to the Committee on Roads, Bridges and Ferries.

No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county." Referred to the Committee on Finance.

No. 439, "An act to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail." Referred to the Committee on Finance.

No. 384, "An act to authorize the County Court of Lavaca county to levy a special tax to build a court house." Referred to the Committee on Finance.

No. 227, "An act for the relief of assessors and justices of the peace in certain cases for taking scholastic census." Referred to Judiciary Committee No. 2.

No. 267, "An act to amend Articles 412 and 418 of the Penal Code as amended by act passed May 11, 1871." Referred to Judiciary Committee No. 1.

No. 156, "An act to validate survey of John B. Dillard, and to authorize patent to issue on the same." Referred to the Committee on Private Land Claims.



Senate bill No. 215, "An act supplemental to the different acts providing for the authentication and registry of deeds and other instruments of writing, and providing for making certified copies of deeds and other instruments of writing evidence in the various courts of the State." Referred to Judiciary Committee No. 2.

House bill No. 438, "An act to be entitled an act to authorize the County Court of Gillespie county to levy a special tax to repair roads." Referred to the Committee on Finance.

House bill No. 138, "An act to amend an act to dispense with the use of scrolls and seals in certain cases." Referred to Judiciary Committee No. 2.

Senator Finlay reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 216, to be entitled "An act to authorize the surveyor of Rusk county to transcribe certain records in his office, and make a general index," having carefully considered the same, I am instructed to report it back to the Senate, and recommend its passage.

GEO. P. FINLAY, Chairman.

Senate bill No. 38, "An act to confer additional jurisdiction on presiding justices of the peace in each county in the State," together with the report from the select committee on judicial districts, recommending amendments, was taken up and read.

Senator Dohoney proposed to amend the second amendment of the committee by striking out "\$300" and inserting "\$500." Adopted.

Senator Dillard offered a substitute for the entire bill.

A message was received from the Governor.

The hour having arrived for the special order, on motion of Senator Dohoney, it was postponed until the pending question was disposed of.

On motion of Senator Broughton, the bill and substitute were indefinitely postponed by the following vote:

Yeas—Senators Baker, Broughton, Dillard, Ford, Flanagan, Fountain, Franks, Gaines, Latimer, Pyle, Rawson, Tendick, Tracy and Word—14.

Nays—Senators Avinger, Ball, Cole, Dohoney, Evans, Finlay, Shelley and Mr. President—8.

The following communication from his Excellency the Governor was taken from the President's desk, read, and



on motion of Senator Shelley, the message and report of the Adjutant General, accompanying, were referred to a select committee of three, and one hundred copies ordered printed:

EXECUTIVE OFFICE, STATE OF TEXAS, )  
AUSTIN, March 25, 1873. )

*Hon. E. B. Pickett, President of the Senate of the State of Texas:*

SIR: For the information of the Legislature, in regard to occurrences in Lampasas county, which have excited considerable public interest, I have the honor to enclose herewith copy of the report made to me concerning the same by Adjutant General F. L. Britton.

Very respectfully,

EDMUND J. DAVIS, Governor.

ADJUTANT GENERAL'S OFFICE, STATE OF TEXAS, )  
AUSTIN, March 24, 1873. )

SIR: In obedience to your verbal instruction of the fifteenth instant, I started for Lampasas at 11 o'clock on the sixteenth instant, accompanied by twelve State policemen, to investigate the killing of Capt. Thomas Williams, privates J. M. Daniels, Wesley Cherry, and the wounding of Andrew Mellville, all State police.

Arriving within twenty-five miles of Lampasas the evening following my departure from Austin, my horses being very tired, and a number of the men having straggled behind, their horses not being able to keep up, owing to the rapidity of the march, I camped for the night. Here I was met by Lieut. Lee, commander of Company M of Minute Men, who, with one of his men, had started to Austin for reinforcements from State police. Lieut. Lee informed me that his men were barricaded in rock houses in the town of Lampasas, hourly expecting an attack from the outlaws and their friends, whom they believed numbered forty or fifty strong.

I at once mounted my men and proceeded to Lampasas, where I arrived at 5 A. M., on the seventeenth instant, and found that the worst state of affairs possible existed in the town and county.

The citizens were panic-stricken; had closed their stores, and all business had stopped in anticipation of an attack from the mob party.

I immediately dispatched a courier to Burnet county with an order to Lieut. John Alexander, to report to me with his company instantler.



Obtaining the assistance of the sheriff of the county, I proceeded to investigate the disturbance, with the following result:

In obedience to my instructions Capt. Williams and his detachment of State police, seven in number, arrived in Lampasas on the fourteenth instant about 1 o'clock, to assist the officers of that county in the arrest of parties charged with attempt to murder the sheriff of the county, shooting into the citizens' houses, etc. This party numbered, so far as is known, about twelve or fifteen men, whose occupation was the branding, killing and skinning of other people's cattle, living in and around Lampasas, some of them having no local habitation. They made their headquarters at the Lampasas Saloon, where they did their drinking, gambling, etc., and stored their arms and ammunition when not in use. Their names, so far as I could learn, are as follows: Thomas Horrell, Martin Horrell, Merit Horrell, Ben. Turner, Joe. Bolden, Allen Witchcraft, James Grizzell, Jerry Scott, Bill Bowen, Billy Gray, Bill Horrell, — Short, — Short, Jim Jenkins, Sam Sneed and Billy Sneed.

Within a short time after Capt. Williams' arrival he arrested Billy Bowen, one of the above named parties, for carrying a six-shooter. Bowen, under some pretense, persuaded Williams to enter the Lampasas Saloon, privates Daniels, Cherry and Melville following them. Directly after they entered some twenty or more shots were fired, principally from Winchester carbines in the hands of Thomas Horrell, Martin Horrell, Merit Horrell, Ben. Turner, Joe. Bolden, Allen Witchcraft, James Grizzell, Jerry Scott, Bill Bowen and Bill Gray. Many of these parties had secreted themselves behind screens, doors, etc., so that they were not visible to Capt. Williams and his men when they were decoyed into the saloon by Bowen. Capt. Williams was killed, receiving two shots through the body and one through the head. Daniels received several through the head and body, and died instantly. Cherry was also killed instantly by a shot through the body. Melville received a bullet through the left lung, and at the time of my leaving Lampasas his case was considered hopeless by attending physicians.

The manner in which the assassins were stationed and the accuracy of their fire gave the policemen no chance to defend themselves against the cowardly attack. After



murdering the policemen in the saloon, the desperadoes came out and attacked the remaining four policemen, firing a number of shots at them. The fire was returned by the policemen, wounding Martin Horrell and Thomas Horrell. The former was shot in the back of the neck by policeman Eddie, the latter just below the shoulder blade.

Hereto attached I send copy of verdict of the jury of inquest, also, a copy of the evidence before the same, which I beg to submit as a part of this report.

With the minute company of Lampasas county, under Lieutenant Lee, and a detachment of Burnet county minute men under Sergeant W. H. Shelburn, a detachment of State police under my immediate command, and a posse of citizens under the sheriff, I proceeded to scour the country for the murderers still at large. Burnet, Llano, Coryell and Williamson counties were visited, and every effort possible made for the capture of the murderers. Five days' scouting, with such evidence as I could gain from other sources, convinced me that the outlaws had fled to the frontier. I then detailed Lieut. Wear and ten men of State police to take station at Lampasas; had the four prisoners then under arrest, and who were pronounced guilty by the jury, viz., Jerry Scott, Martin Horrell, Allen Witchcraft and James Grizzell, committed to the Travis county jail for safe keeping until the next term of the district court, believing that if they were left in the Lampasas county jail their friends would rescue them.

I would here recommend that five hundred dollars reward be offered for each of the bodies of the parties implicated by the verdict of the jury of inquest.

These men are of the very worst reputation, and are so feared by the citizens of the county in which they live that one yell from them to "hide out" is sufficient to close all doors within hearing, and they have heretofore amused themselves daily by practicing with their six-shooters at the door knobs of those persons who had incurred their displeasure by assisting the sheriff or other officers of the county to bring to justice violators of the law. The office of Messrs. White & Gibson is a specimen of this character, having some twenty or thirty bullets fired through it by these parties; also, the *Dispatch* office, which had all of its windows broken out, because



it noted some of the atrocious acts of "the bunch" unfavorably, and other instances too numerous to mention.

Before closing this report, I desire to mention especially the valuable assistance rendered me by the sheriff, S. T. Denson, Lieutenant Lee, and the Lampasas Minute Men; also, many good citizens of the county.

The county paid the board of my men and horses, as well as those of the Minute companies, while in the county, and in public meeting expressed their feeling toward same.

A copy of the resolutions are hereto attached.

Very respectfully,

(Signed)

F. L. BRITTON,

Adjutant General and Chief of Police.

To His Excellency E. J. Davis,

Governor of the State of Texas, Austin, Texas.

We, the jury, from the evidence before us, find that Captain Williams, Wesley Cherry and J. M. Daniels came to their deaths by gun and pistol shots, in the Lampasas Saloon, in the town of Lampasas, in the State of Texas, on Friday, the fourteenth day of March, 1873, from and by the hands of Thomas Horrell, Martin Horrell, Merit Horrell, Ben Turner, Joe Bolden, All. Witchcraft, James Grizzell, Jerry Scott, Bill Bowen and Billy Gray.

(Signed)

H. T. HILL,

W. J. STANDEFER,

R. W. HILL,

ALEX. J. NORTHINGTON,

W. W. EAST,

LOUIS BORLIS.

I hereby certify the above is a verdict of the jury of inquest held over the bodies of the above named deceased policemen.

Given under my hand at office in the town of Lampasas, this the twentieth day of March, A. D. 1873.

(Signed)

THOMAS PRATT,

J. P. L. C., and Acting Coroner.

A true copy.

F. L. BRITTON,

Adjutant General and Chief of Police.

LAMPASAS, March 21, 1873.

Pursuant to a call, a large number of the citizens of Lampasas county assembled in mass meeting to consider



the state of the county. Gen. F. L. Britton, Adjutant General and Chief of State Police, addressed the meeting in a few eloquent, appropriate and well-timed remarks, after which Dr. W. P. Beall was appointed chairman and J. P. Gibson, secretary.

\* Short and appropriate speeches were made by Major Martin White, C. C. McGinnis, T. D. Hayworth, J. A. Homan, S. T. Denson, Lieut. Ware, J. P. Gibson, C. Woolridge, Kit. Williams and G. M. Haynie.

A committee of citizens were appointed to draft resolutions expressing the sentiment of the people, consisting of Z. A. Abney, A. J. Northington and Moses Hughes, who offered the following resolutions, which were unanimously adopted:

*Resolved*, That the people of Lampasas county, in mass meeting assembled, present their thanks and kindly regards to General Britton, Chief of State Police, and the officers and men under him, for their gentlemanly deportment while in our midst, and for their unceasing efforts to restore order and the dominion of law in our county.

*Resolved*, That in future we pledge ourselves, each to the other, and to the officers attempting to enforce the law, our unqualified support in bringing to justice any violator of the law in our county; and we further pledge ourselves to resist any injury to the person or property of any of our fellow-citizens, because of any zeal on their part in bringing to justice the lawless, as we would an injury done to ourselves individually.

*Resolved*, That we hold ourselves in readiness in the future to aid the sheriff, or the police that may be in our county rendering us protection, by giving him or them any information that we may have concerning the whereabouts of fugitives from justice, and personal aid in his or their attempts to secure the persons of all offenders, to the end that they may be dealt with according to law.

*Resolved*, That we earnestly ask the continuance of the State police, in such numbers as to be efficient, until such time as our local authorities shall feel able to hold in check the lawless of our county.

(Signed) W. P. BEALL, Chairman.

(Signed) J. P. GIBSON, Secretary.

A true copy.

F. L. BRITTON,  
Adjutant General and Chief of State Police.



Senator Tracy introduced, by leave, a bill making an appropriation to defray the expenses of removal of the remains of Captain Thomas Williams and others, and their interment in the State burial ground at Austin. Read first time, rules suspended; read second time and ordered engrossed; rules further suspended, read third time and passed by the following two-third vote:

Yeas—Senators Ball, Broughton, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tracy, Word and Mr. President—20.

Nays—Senators Avinger and Evans—2.

The following communication was received from his Excellency the Governor, which was read and referred to the Committee on State Affairs:

EXECUTIVE OFFICE, STATE OF TEXAS,  
AUSTIN, March 26, 1873.

*To the Honorable Senate of the State of Texas:*

GENTLEMEN: I would respectfully ask your advice and consent to the following appointment, to wit:

John W. Glenn, as State Geologist.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senators Sayers reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz.:

No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman."

No. 190, "An act to incorporate the City Bank of Sherman."

Senate amendments to House bill No. 29, "An act to provide for the registration of voters."

J. D. SAYERS, Chairman.

Senator Cole, by leave, introduced a bill for the relief of John W. McElroy. Read first time and referred to the Committee on Private Land Claims.

Senator Flanagan moved a reconsideration of the vote indefinitely postponing a bill authorizing the Governor to settle with Messrs. Williams & Guion, of New York, the amount due them by the State.

The special order, viz., "An act to regulate proceedings



upon application for *mandamus* and *quo warranto*," was taken up.

The hour for the consideration of private bills having arrived, Senator Franks moved to postpone the special order of the day until the pending business was disposed of, whereupon the yeas and nays were called, and the motion was lost by the following vote;

Yeas—Senators Baker, Ball, Broughton, Cole, Finlay, Flanagan, Fountain, Franks, King, Pyle, Ruby and Tracy—12.

Nays—Senators Avinger, Dillard, Dohoney, Evans, Ford, Gaines, Latimer, Rawson, Sayers, Shelley, Swift and Word—12.

Senator Franks called up a bill entitled "An act to enlarge the county of Medina." Read the second time; rules suspended and bill read third time and lost by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Fountain, Latimer, Shelley and Word—8.

Nays—Senators Broughton, Cole, Evans, Finlay, Flanagan, Franks, Gaines, King, Pyle, Rawson, Ruby and Tracy—12.

Whereupon Senator Franks moved a reconsideration of the vote.

On motion of Senator Shelley, the reconsideration of the vote was made the special order for 11:30 o'clock to-morrow.

Senator Gaines called up a bill entitled "An act to incorporate the town of Giddings, in Washington county," with report of Judiciary Committee No. 1 recommending amendments, which, on motion of Senator Gaines, was postponed, and made the special order for Monday next at 1 o'clock.

Senator Latimer, when his name was called, introduced a bill entitled "An act supplementary to an act to amend the first section of an act to incorporate Paris, in Lamar county." Read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Fountain introduced a bill to submit the permanent location of the county site of El Paso county to a vote of the people. Read first time and referred to the Committee on Counties and County Boundaries.

Senator Latimer, chairman of Committee on Enrolled Bills, reported as follows:



*Hon. E. B. Pickett, President of the Senate:*

SIR: I have the honor to report that I have this day at 11 o'clock A. M., presented to his Excellency the Governor, for his approval and signature, Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks."

H. R. LATIMER, Chairman.

Senator Tracy offered the following resolution:

*Resolved*, That the sergeant-at-arms be allowed the same mileage as witnesses, for distances actually traveled, and two dollars for each paper served. The account to be approved by the chairman of the committee for whom papers were served, and to be paid out of an appropriation made to pay expenses incurred in the matter of contested elections in the Thirteenth Legislature.

Referred to Finance Committee.

On motion, the Senate adjourned until 10 o'clock tomorrow.

#### SENATE CHAMBER,

AUSTIN, TEXAS, March 26, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

On motion of Senator Fountain, the special committee appointed to investigate the accounts approved by the Committee on Contingent Expenses were allowed to continue in session in the ante-chamber during the session of the Senate.

The petition of sundry citizens of El Paso county was taken from the President's desk, and on motion of Senator Finlay, referred to the Committee on Privileges and Elections.

Senator Dohoney presented the petition of Isham Farris. Referred to the Committee on Private Land Claims.

Senator Latimer, chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I have the honor to report that I did, on yesterday, at 11 o'clock A. M., present to his Excellency the